



# **MINUTES EXECUTIVE BOARD**

**Emergency Meeting  
Friday  
October 14, 2005**

**LCR 1  
State Capitol Building  
Pierre, South Dakota**

## **Friday, October 14, 2005**

The emergency meeting of the Legislative Research Council Executive Board was called to order by Chair Senator Ed Olson at 8:30 a.m. (CT), October 14, 2005, in LCR 1 of the State Capitol, Pierre, South Dakota. A quorum was determined with the following members answering the roll call: Senators Mike Broderick, William F. Earley, Bob Gray, Gil Koetzle, Jim Peterson, and Ed Olson; and Representatives H. Paul Dennert, Pat Haley, Phyllis M. Heineman, Barry Jensen, Matthew Michels, Gordon R. Pederson, and J.E. "Jim" Putnam. Senator Lee Schoenbeck was unable to attend the meeting.

Staff members present included James Fry, Director. Guests present included Assistant Attorneys General John Guhin and Sherri Wald and Secretary of State Chris Nelson.

(**NOTE:** For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Minutes.)

(**Clarification:** Voice votes that prevail with all members present voting "aye" will carry the disposition language "prevailed unanimously." Voice votes that prevail with a majority of all members present voting "aye" will carry the disposition language "prevailed." Voice votes that prevail without all members present voting "aye" will list those members casting "nay" votes if so requested by the dissenting voter.)

## **APPROVAL OF AGENDA**

**REPRESENTATIVE HEINEMAN MOVED, SECONDED BY SENATOR BRODERICK THAT THE AGENDA BE APPROVED. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.**

## **EXECUTIVE SESSION**

**REPRESENTATIVE HEINEMAN MOVED, SECONDED BY SENATOR BRODERICK, THAT THE EXECUTIVE BOARD GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE REDISTRICTING LITIGATION WITH LEGAL COUNSEL. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.**

The executive session commenced at 8:40 a.m.

**REPRESENTATIVE MICHELS MOVED, SECONDED BY REPRESENTATIVE PUTNAM, THAT THE EXECUTIVE SESSION CONCLUDE. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.**

The executive session concluded at 8:55 a.m.

## **EXECUTIVE BOARD ACTION**

**REPRESENTATIVE MICHELS MOVED, SENATOR EARLEY SECONDED THAT THE SOUTH DAKOTA ATTORNEY GENERAL BE AUTHORIZED TO PROCEED WITH AN APPEAL TO THE EIGHTH CIRCUIT FEDERAL COURT OF APPEALS OF THE DECISION IN BONE SHIRT ET. AL. v. HAZELTINE OF THE FEDERAL DISTRICT COURT AND FURTHER BE AUTHORIZED TO ALSO PURSUE A STAY OF SUCH DECISION.**

**THE MICHELS MOTION PREVAILED ON A ROLL CALL VOTE (10-3).** Voting **AYE**: Broderick, Earley, Gray, Peterson and Olson, Heineman, Jensen, Michels, Pederson, Putnam. Voting **NAY**: Dennert, Haley, Koetzle. Excused Hunhoff.

**MOVED BY REPRESENTATIVE PUTNAM, SECONDED BY SENATOR BRODERICK, THAT THE EXECUTIVE BOARD ADJOURN. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.**

The Executive Board adjourned at 9:00 a.m.



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